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2004 JUN 27 A 10 56

U.S. DISTRICT COURT
DISTRICT OF MASS.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
CIVIL DIVISION

EDUARDO LOPEZ
Plaintiff

Vs

MICHAEL T. MALONEY, EDWARD
FICCO, MARK W. REILLY.
Defendants.

Civil Action No.

Complaint

Jury Trial Demanded

04-10208 JLT

Referred to MT RB Collier

VERIFIED CIVIL RIGHTS COMPLAINT WITH JURY DEMAND

I. INTRODUCTORY STATEMENT

This is a § 1983 et seq, Civil Rights action filed by Eduardo Lopez, a state prisoner (New Hampshire State Prison) whom is currently within the Massachusetts Department of Correction in the Souza-Baranowski Correctional Center, a Maximum Security Prison in the Town of Shirley, Massachusetts [01464], seeking declaratory judgment, injunctive relief and damages, against the above-named defendants, alleging, inter alia, ongoing violations of his constitutional rights pursuant to the First, Eighth and Fourteenth Amendments to the U.S. Constitution, and Article One, Two, Twelve and Twenty-Six to the Massachusetts Constitution/Declaration of Rights, as well as other Massachusetts Code of Regulations not mentioned within this introductory statement.

II. JURISDICTIONAL STATEMENT

1. This Court has jurisdiction over the plaintiff's claims of violations of his federal constitutional rights under

42 U.S.C.A. § 1983 et seq. and 28 U.S.C.A. § 1343, and this Court has supplemental jurisdiction over the plaintiff's state law claims pursuant to 28 U.S.C.A. § 1367, as the plaintiff also invokes the pendent jurisdiction of this court.

III.

PARTIES

2. The Plaintiff, Eduardo Lopez, is a New Hampshire State Prisoner, within the Massachusetts Department of Correction in the Souza-Baranowski Correctional Center, a Maximum Security State Prison, in the Town of Shirley, Massachusetts [01464], and at all times relevant to the hereinafter alleged events, was so confined at Souza-Baranowski Correctional Center [hereinafter "S.B.C.C."] within the jurisdiction of the Massachusetts Department of Correction [hereinafter "Doc", located at 50 Maple Street, Milford, Massachusetts 01757.

3. The Defendant, Michael T. Maloney, is the Commissioner of the Massachusetts "DOC", he is the DOC's Chief operating officer responsible for the overall facilities, employees, policies, prisoners and etc. and he is a public employee whose usual place of business is located at 50 Maple Street, Milford Massachusetts [01757].

4. The Defendant, Edward Ficco, is the Superintendent of SBCC, he is its chief operating officer whose is responsible for the overall facility, its employees, policies, prisoners and



etc. and he is a public employee whose usual place of business is located at the: Post Office Box 8000, Shirley, Massachusetts [01464].

5. The Defendant Mark W. Reilly, is the Chief of Investigations/Intelligence of the Massachusetts [DOC] whos place of business is located at the Massachusetts Department of Correction's Headquarters at 50 Maple Street, Milford, Massachusetts [01757].

IV

STATEMENT OF THE FACTS

6. The following facts are introduced as material facts relevant to this instant matter.

7. That, on and about January 18, 2002, Defendant Mark W. Reilly, while under the color of law, sent Plaintiff a "Notice of Identification as A Member of a Security Threat Group" in which further notified the plaintiff that:

- ° "YOU WILL NOT BE CONSIDERED FOR A TRANSFER TO AN INSTITUTION BELOW SECURITY LEVEL 4 UNLESS RENOUNCE MEMBERSHIP IN THE STG"
- ° "YOU ARE SUBJECT TO PLACEMENT AT MCI-CEDAR JUNCTION IF IDENTIFIED AS A LEADER OF A SECURITY THREAT GROUP OR BECOME INVOLVED IN ANY VIOLENT OR DISRUPTIVE INCIDENTS RELATED TO SECURITY THREAT GROUP ACTIVITIES."

- ° IF YOU ARE WILLING TO RENOUNCE MEMBERSHIP IN A SECURITY THREAT GROUP, CONTACT INNER PERIMETER SECURITY WHO WILL PROVIDE YOU WITH THE APPROPRIATE FORM WHICH YOU MUST COMPLETE, SIGN AND DATE

8. On and about January 28, 2002, Plaintiff sent a letter addressed to Defendant Reilly in which plaintiff stated among many things, the following:

- ° "...JUST AS AN INITIAL MATTER I WOULD LIKE TO TAKE THIS TIME TO TELL YOU THAT I AM NOT A GANG MEMBER, NOR, DO I KNOWINGLY ASSOCIATE WITH ANY GANG OR A GANG MEMBER."
- ° "AT THE REQUEST OF THE IPS I WAS ASKED TO SIGN A FORM INDICATING THAT I WOULD DENOUNCE MEMBERSHIP OF SOME ALLEGED GANG GANG PARTICIPATION. PLEASE BE AWARE, THAT I FORMALLY AND CATEGORICALLY DENY MEMBERSHIP IN ANY GANG AND RESENT HAVING BEEN ACCUSED..."

9. The plaintiff states that despite the fact that the Defendants have no evidence, they continue to insist that he is a gang member despite the facts that:

- ° PLAINTIFF HAS NEVER PARTICIPATED IN ANY GROUP ACTIVITIES SUCH AS RIOTS, GANG MEETINGS OR ANY OTHER ACTIVITY CONTRARY TO THE RULES OF ANY INSTITUTION
- ° PLAINTIFF HAVE NEVER BEEN GIVEN A DISCIPLINARY REPORT/TICKET RELEVANT TO BEING A GANG MEMBER
- ° THERE ARE NO SUBSTANTIATED REPORTS, DOCUMENTS OR MEMORANDUMS THAT SHOW AND/OR REFLECT PLAINTIFF'S PARTICIPATION IN ANY GANG OR GANG RELATED ACTIVITIES



° THERE ARE NO SUBSTANTIATED PHYSICAL EVIDENCE TAKEN FROM HIM OR HIS QUARTERS THAT COULD BE CONSTRUED AS EVIDENCE OF SOME TYPE OF GANG OR GANG RELATED ACTIVITY AND/OR PARTICIPATION

10. As of this present time the defendant have yet to furnish the plaintiff with any substantiate facts and evidence showing that the plaintiff is a gang member.

11. The record should reflect that the plaintiff is not from Massachusetts, but rather from a different State and has never been labled as such while in his home state.

V. CLAIMS FOR RELIEF

12. The defendants, jointly and individually, violated the plaintiff's rights, immunities and privileges, pursuant to 42 U.S.C.A. §§ 1983 et seq., as secured under amendments one, Four, Eighth and Fourteen to the united States Constitution, as they have refused to provide and have continued to refuse to provide the plaintiff with his right to associate and communicate with others without being punished for it, by being labeled as a gang member.

PRAYERS FOR RELIEF

WHEREFORE, The plaintiff prays this Honorable Court grant him the following relief:



13. Issue a declaratory judgment that the defendants, their employees, agents, as well as those who may be acting in concert with them, have violated the plaintiff's rights, immunities and privileges, pursuant to 42 U.S.C.A. §§ 1983 et seq. as secured under amendments One, Four and Fourteen of the United States Constitution, as they have refused to allow him to exercise his right to communicate and associate with others without being punished for it by being labeled as a gang member just for talking to someone.

VERIFICATION DECLARATION

I, EDUARDO LOPEZ, HEREBY VERIFY ON OATH ACCORDING TO LAW, THAT THE FOLLOWING IS TRUTHFUL AND ACCURATE TO THE BEST OF MY PERSONAL KNOWLEDGE AND BELIEF AND OBSERVATIONS OF ALL FACTS, AVERMENTS AND EXHIBITS HEREIN SUBMITTED AS EVIDENCE AND AVER THAT I AM COMPETENT TO TESTIFY TO THE SAME IN OPEN COURT IF CALLED UPON TO DO SO UNDER OATH AND I HAVE NOT MADE OR OFFERED THIS VERIFIED CIVIL RIGHTS COMPLAINT WITH JURY DEMAND IN THIS SIGNED VERIFICATION DECLARATION UNDER THE PENALTIES OF PERJURY, ON THIS 17 DAY OF January, 2004



Eduardo Lopez

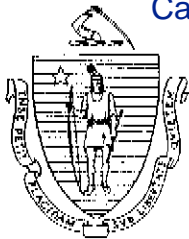
Souza-Baranowski Corr. Ctr.
Post Office Box 8000
Shirley, Massachusetts 01464

FILED
CLERK'S OFFICE

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U.S. DISTRICT COURT
DISTRICT OF MASS.

EXHIBITS



Jane Swift
Governor

James P. Jajuga
Secretary

The Commonwealth of Massachusetts

Executive Office of Public Safety

Department of Correction

50 Maple Street, Suite 3

Milford, Massachusetts 01757-3698

(508) 422-3300

www.magnet.state.ma.us/doc




Michael T. Maloney
Commissioner

Kathleen M. Dennehy
Deputy Commissioner

January 18, 2002

TO: Eduardo Lopez, T-23946

FR: Mark W. Reilly, 
Chief of Investigations/Intelligence

RE: Notice of Identification as A Member of A Security Threat Group

You have been identified as a member of a Security Threat Group (Latin Disciples) and if you are validated as a member of a Security Threat Group (STG), the following conditions will apply:

1. You will not be considered for a transfer to an institution below security level 4 unless you renounce membership in the STG.
2. You are subject to placement at MCI-Cedar Junction if identified as a leader of a Security Threat Group or become involved in any violent or disruptive incidents related to Security Threat Group activities.

You are entitled to request a meeting with me (or my designee) to present information to dispute your identification as a member of a Security Threat Group. You have five days from receipt of this notice to fill out the attached meeting request form and submit to Inner Perimeter Security. A meeting will be arranged and I will consider any information you may present at that meeting in deciding whether to validate your identification as a member of a Security Threat Group.

If you are willing to renounce membership in a Security Threat Group, contact Inner Perimeter Security who will provide you with the appropriate form which you must complete, sign and date.

cc: Inmate Record
Departmental Intelligence Unit



Eduardo Lopez
Souza-Baranowski Correctional Center
P.O. Box 8000
Shirley, Ma 01464

Mark W. Reilly
Souza-Baranowski Corr. Ctr.
P.O. Box 8000
Shirley, Ma 01464

January 28, 2002

RE: Security Threat Group Stigma

Dear Mr. Reilly:

I had recently been approached by members of the Inner Perimeter Security ("IPS") personnel here at Souza-Baranowski Correctional Center based upon you having deemed me as a suspected gang member. Just as an initial matter I would like to take this time to tell you that I am not a gang member, nor, do I knowingly associate with any gang or a gang member.

At the request of the IPS I was asked to sign a form indicating that I would denounce membership of some alleged gang participation. Please be aware, that I formally and categorically deny membership in any gang and resent having been accused of such participation. I have always been proud of the fact that I have stayed away from that type of activity. That type of activity has taken away so many opportunities for the young people of this world. Signing that document would have indicated that I was in some type of gang at some time or presently participate in a gang. I will not sign any such document, at any time.

I was informed that a hearing regarding my alleged Security Threat Group ("STG") classification would be held in the near future. I have the following requests.

REQUEST FOR EVIDENCE:

Prior to any hearing regarding this accusation please provide me with the following documents and/or information:

1. Any and all reports, documents and memorandum that alleges my participation in gang or gang related activities.
2. Any and all physical evidence taken from me or my quarters that could be construed as evidence of some type of gang or gang related activity and/or participation.
3. Identify any and all sources of information with as much specificity as possible.

X
W
006

-2-

4. If the hearings officer is to rely upon information provided by any staff member in whole or part, please identify said staff member and provide me all information said staff member has provided to this hearing and identify the source of his information.
5. If the hearings officer is to rely upon information provided by any prisoner in whole or part, please identify all information provided and the source of his knowledge.

ADDITIONAL REQUEST:

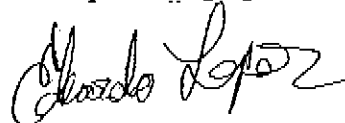
After my unequivocal denial of gang participation as outlined above does not end this matter before such classification hearing regarding this matter occurs, please allow the following requests:

1. Allow me to have this hearing taped recorded at my expense if the institution does not already provide that service. If it does already tape record all these hearings then please provide me a copy for my file.
2. Allow me the option of having an attorney present during this hearing.

I trust that this correspondence has addressed all of your concerns sufficiently. Be advised that if this matter is used in any way against me or if I am deemed to be a gang member by this institution or any other I intend to bring suit against you and all other responsible persons.

I am not a gang member!

Very truly yours,



Eduardo Lopez
T-23946

cc: Edward Ficco,
Superintendent

:Mass. Corr. Legal Services

:File



4/10/02

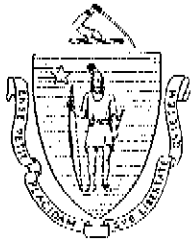
On February 14, 2002 the I.P.S. did a block search on P-2 where all of the inmates that live on that block are sent to either the gym or the Kitchen to wait while officers search our rooms.

When the officers are done we are sent back to P-2. As I enter P-2 I.P.S. officer Hooper pulled me aside and told me to wait. As I waited I found out that I was being sent to S.M.U. (The Hole) for Homebrew. When I.P.S. Hooper came back he called me up and told me that a container was found in my cell that tested positive for alcohol.

I told I.P.S. Hooper that there wasn't any alcohol in my cell just a mountain dew bottle of Cranberry juice, he told me that it tested positive for alcohol. I told him that I wanted the mountain dew bottle at my hearing as evidence, he in turn tells me that he had already destroyed the evidence the minute he was done taking the Roche Alcohol on-site Test Kit and after he had taken pictures of the test result.

I wrote to the hearings officer to bring the bottle of mountain dew to the hearing so that I may use it as evidence, just in case I.P.S. Hooper was lying to me. When my hearing day came all I was showed was a picture of the test kit showing positive for alcohol. With no way to prove my innocence I pled guilty.

I believe I.P.S. officer Luis Melendez had something to do with this because on January 18, 2002 he served me with a paper saying that I was a gang member. He also told me that he hated gangs and that it was his job to get rid of them in this prison. 26 Days Later I was sent to S.M.U. for Cranberry juice.



Jane Swift
Governor

James P. Jajuga
Secretary

The Commonwealth of Massachusetts
Executive Office of Public Safety
Department of Correction

50 Maple Street, Suite 3
Milford, Massachusetts 01757-3698
(508) 122-3300
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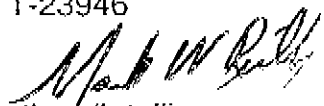


Michael T. Maloney
Commissioner

Kathleen M. Dennehy
Deputy Commissioner

May 10, 2002

TO: Eduardo Lopez, T-23946

FR: Mark W. Reilly, 
Chief of Investigations/Intelligence

RE: Membership in a Security Threat Group

On April 11, 2002 a meeting was held to provide you with the opportunity to dispute your identification as a member of a Security Threat Group. After discussing this matter with you and considering the information you provided, you are advised that your identification as a member of a Security Threat Group is validated. You may appeal this decision to the Commissioner within five (5) days from receipt of this notice.

cc: Inmate Record
Departmental Intelligence Unit

23 Factory Street
Nashua, New Hampshire 03060-3479
(603) 881-7773
Fax: (603) 881-7775

Paul S. Moore, Esq.
paul@nhlaws.com

Ghazi D. Al-Marayati, Esq.
ghazi@nhlaws.com

Adam H. Bernstein, Esq.
adam@nhlaws.com

October 29, 2002

Eduardo Lopez, T-23946
Souza-Baranowski Correctional Center
Post Office Box 8000
Shirley, Massachusetts 01464
ATTORNEY/CLIENT PRIVILEGE

Dear Eduardo:

I received your letter dated September 17, 2002. Your mom hired me shortly thereafter to assist you in resolving your classification as a Latin Disciple in Massachusetts. I have been in contact with the New Hampshire State Prison over the last month, specifically, with Sergeant Hickman of the New Hampshire State Prison Gang Unit. Sergeant Hickman is in charge of all gang classification at the New Hampshire State Prison, and I inquired with him regarding whether or not New Hampshire did in fact classify you as a Latin Disciple and forward that information to the Massachusetts authorities. I spoke with Sergeant Hickman on October 25, 2002, and he spent a significant amount of time researching your file based on my questioning and learned that the New Hampshire authorities do not consider you to be classified as a Latin Disciple. Rather, Sergeant Hickman contacted the Department of Corrections in Massachusetts and spoke to them regarding your status as being affiliated with the Latin Disciples, and he learned that Massachusetts classified you as being affiliated with the Latin Disciples. Sergeant Hickman was not provided any information as to why Massachusetts classified you with the Latin Disciples. However, he did confirm that you have been approved to remain in the current facility that you are in. The Massachusetts' authorities have no intention whatsoever of transferring you to a new facility as long as you continue to remain of good behavior. I spoke to Sergeant Hickman regarding transferring back to New Hampshire, and he indicated that the mechanism in getting you transferred back to New Hampshire would require you to simply send a letter directed to the Classification Division at the New Hampshire State Prison in Concord, New Hampshire.

In summary, based on my conversations with Sergeant Hickman of the New Hampshire State Prison, you are not considered to be an active gang member or, for that matter, even associated with any gangs in the State of New Hampshire. Sergeant Hickman did forward that information to the Massachusetts authorities. I do not have any information as to why Massachusetts has

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ATTORNEY/CLIENT PRIVILEGE

classified you as a Latin Disciple but unfortunately, I am not licensed to practice law in Massachusetts and would not be able to inquire regarding the Massachusetts classification. Nevertheless, Sergeant Hickman did confirm with Massachusetts that you are approved to remain in the facility that you are in and that there is no action to transfer you to a different facility.

If you have any questions, please feel free to give me a call at the above number, collect or send me a letter.

Very truly yours,



Adam H. Bernstein

AHB/df

cc: Carmen Aguirre

Eduardo Lopez (T-23946)
S.B.C.C.
P.O. Box 8000
Shirley, MA 01464

Commissioner Maloney
Massachusetts Department of Corrections
50 Maple Street
Milford, MA
01756

November 1, 2002

Re: Labeled as a Gang Member

Dear Mr. Maloney;

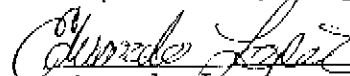
Please find enclosed a letter that was sent to me from a paid attorney to investigate my status as being labeled as a gang member.

As you can see sir, this letter proves that while I was in the state of New Hampshire I was never labeled as a gang member. Since I came down to this facility from New Hampshire the IPS here, (not mentioning any names) had told me that when I came to this state that my last place of incarceration had told them that I was a gang member and that they were going to send me to M.C.I. Walpole to the gang block there.

I hope sir that this letter satisfies you and that this will be an end to this problem. Also sir, could I get a copy of this in my six part folder for the record so this will not happen again?

In advance, thank you for your help in this matter.

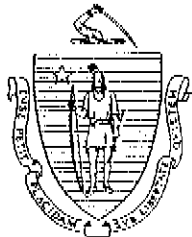
Respectfully requested,


Eduardo Lopez,

cc/tile

enclosures

cl



Jane Swift
Governor

James P. Jajuga
Secretary

The Commonwealth of Massachusetts

Executive Office of Public Safety

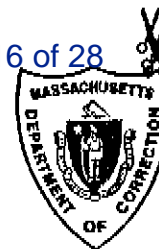
Department of Correction

50 Maple Street, Suite 3

Milford, Massachusetts 01757-3698

(508) 422-3300

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Michael T. Maloney
Commissioner

Kathleen M. Dennehy
Deputy Commissioner

November 26, 2002

Eduardo Lopez, T23946
Souza Baranowski Correctional Center
P.O. Box 8000
Shirley, MA 01464

Dear Mr. Lopez:

I am in receipt of your November 1, 2002 correspondence. Be advised that you were validated as a STG member in May 2002 and you had five days to appeal, which you did not do.

I have reviewed the information you provided, however, I am denying your appeal and your status will remain as is.

Sincerely,

Michael T. Maloney
Commissioner



Mr. Edward A. Flynn, Secretary
Executive Office of Public Safety
One Ashburton Place
Boston, Massachusetts

02108

April 1st, 2003

Re: Notice of Identification
Security Threat Group

Dear Mr. Flynn:

Please find enclosed
copies of all information
pertaining to the above
captioned matter.

Pursuant to Massachusetts
General Laws Annotated Chapter
249 § 1; and 258 § 1 I am
filing this correspondence
to your office as my
Letter of Presentment from
my being falsely identified.

~page over~



page two
security threat group

as a member of a Security
Threat Group.

I have requested for any
and all said evidence; such
as reports, documents, inmate
or staff memorandums that
may have alleged actual
facts of my having participated
in or with gang related
activities. ... No information
or evidence was provided
linking me to gang participation
my request was made to
this institutions Chief of
Investigations or Intelligence
Office Mr. Mark Heilly, [see
enclosure]

On May 10th 2002 after the
purported meeting held on
April 11th 2002. where I

~ page two ~



page three
security threat group

after discussing the matter in person with Mr. Reilly, I formally and categorically deny membership, as well as resented the fact that I am being classified, and accused of such participation. I had also refused to sign a form indicating that I was in some type of gang activity... and chose to renounce my gang participation that I was being accused of living in.

I wrote to the Commissioner of Corrections Michael Maloney on November 1st 2002.

I received Mr. Maloney's response back on November 26th 2002. more or less stating, that I had

~ page three ~



page four
security threat group.

five days to appeal, [see
enclosures]. who in turn
also denied my appeal and
stated that my status will
remain as is.

I then contacted a lawyer
[see enclosure of attorneys response]
from New Hampshire to investi-
gate as to where or not I
was being, or had been, classified
by the New Hampshire State Prison
because I was transferred here
under the New England Compact
Program from New Hampshire, and
as you will read Attorney Adam
Bernstein, spoke directly Sergeant
Hickman, of the New Hampshire
State Prison Long Unit, who
contacted the Department of
Corrections here in Massachusetts
regarding my status, he learned

~ page four ~



page five
security threat group.

that it was the Massachusetts authorities who classified me as being affiliated in a gang.

I requested to Mr. Mark Reilly to be taken off that status, because I stay as far away as I can from that type of activity as I can. I am a young spanish inmate, who keeps to "myself".

With Mr. Reilly, placing me under this status. I have been denied job opportunities, and fair classification reviews and told that the classification board has no intentions whatsoever; of letting me transfer to a new or lower prison facility or to be classified back to New Hampshire State

page five

page 22
Security threat group.

Prison.

Therefore, I am contemplating in filing a lawsuit against the State, Commissioner of Corrections, and Mr. Mark Kelly, unless the false statements and accusations be removed from my file and institutionally six part folder immediately and I be allowed to return back to New Hampshire.

Failure to resolve this matter through your office will, accordingly result in my filing of the aforementioned lawsuit.

Respectfully requested

/s/
Eduardo Lopez Jr.
Seena Branamok Corr. Center
Post Office Box # 800
Shirley, Massachusetts.
01464



Page 23 of 28
Security threat group

P.C.

filed

Mr. Michael J. Maloney
Commissioner of Corrections
Department of Corrections
50 Maple Street, Suite 3
Milford, Massachusetts

Mr. Mark Reilly
Paula Danowski Corr. Center
P.O. Box # 8000
Dorley, Massachusetts 01924



From: Eduardo Lopez T-23946

To: Mr. Mark J. Reilly
Chief of Investigations / Intelligence
Paula Bonanowski Correctional Center
Post Office Box # 800
Burlington, Massachusetts 01464

Re: Freedom of Information Act
Request

Date: April 14th 2003

Dear Mr. Reilly:

This request is made pursuant to 5 United States Code section 552 and in conjunction with 103 DOC 153.00 et seq. CORI information subsection 153.03.

I am requesting to inspect and copy any and all information you have that has identified me as a gang member of a Security Threat Group.

2 pages are on



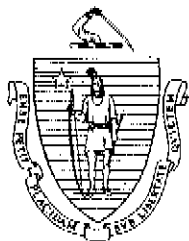
page 25 of 28
care request

That you have validated as
my being a member of

I am contemplating in
filing a lawsuit against the
State, Commissioner of Corrections,
and against you, unless the
false statements and accusations
are removed from my file
and institutional folder
immediately and I be
allowed to return back to
New Hampshire.

Respectfully Submitted.

Eduardo Lopez T23946
Unit K-2 Cell # 29



Mitt Romney
Governor

Kerry Healey
Lieutenant Governor

Edward A. Flynn
Secretary

The Commonwealth of Massachusetts

Executive Office of Public Safety

Department of Correction

50 Maple Street, Suite 3

Milford, Massachusetts 01757-3698

(508) 122-3300

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Michael T. Maloney
Commissioner

Kathleen M. Dennehy
Deputy Commissioner

May 20, 2003

Eduardo Lopez, T23946
Souza-Baranowski Correctional Center
P.O. Box 8000
Shirley, MA 01464

Dear Mr. Lopez:

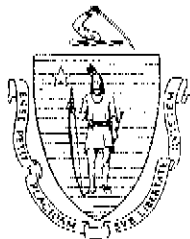
I am in receipt of your April 14, 2003 letter.

Please be advised that your request has been referred to the Department of Correction Legal Office.

Sincerely,

Mark W. Reilly, Chief
Office of Investigative Services

cc: Nancy White, General Counsel
Legal Division



Mitt Romney
Governor

Kerry Healey
Lieutenant Governor

Edward A. Flynn
Secretary

The Commonwealth of Massachusetts
Executive Office of Public Safety
Department of Correction
Legal Division

70 Franklin Street, Suite 600
Boston, MA 02110 1300
(617) 727-3300 Ext. 124
www.mass.gov/doc



Michael T. Maloney
Commissioner

Kathleen M. Denny
Deputy Commissioner

Nancy Ankers White
General Counsel

May 23, 2003

Eduardo Lopez, T23946
Souza-Baranowski Correctional Center
P.O. Box 8000
Shirley, MA 01464


RE: Your request for STG materials.

Dear Mr. Lopez:

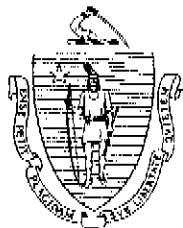
Your correspondence to Mark Reilly, Chief, Office of Investigative Services, has been forwarded to me for review and response. In your correspondence, you request all information in Chief Reilly's possession identifying you as a member of a Security Threat Group. Please be advised that this information is not public record and is not subject to your review; accordingly, your request is denied. You may, however, review most records contained in your institutional six-part folder. Please contact your CPO to arrange an opportunity to review this folder.

Please further be advised that you have been transferred to Massachusetts Department of Correction from New Hampshire. Accordingly, Massachusetts DOC is not in a position to "allow" you to return to New Hampshire. Finally, your identification as an STG member does not prohibit you from being transferred out of a Level 6/maximum security institution within the Massachusetts DOC system.

Sincerely,


Julie E. Daniele
Counsel

cc: Mark Reilly, Chief



The Commonwealth of Massachusetts

Executive Office of Public Safety

One Ashburton Place
Boston, Massachusetts 02108

Tel: (617) 727-7775

TTY Tel: (617) 727-6618

Fax: (617) 727-4764

www.mass.gov/eops

Mitt Romney
Governor

Kerry Healey
Lieutenant Governor

Edward A. Flynn
Secretary

April 29, 2003

Eduardo Lopez, Jr.
S.B.C.C.
PO Box 8000
Shirley, MA 01464

Dear Mr. Lopez:

I am writing in regard to your correspondence, dated April 1, 2003, in which you sought to provide the Executive Office of Public Safety with notice of a G.L. c. 258 claim. In your letter you stated that the Department of Correction has improperly classified you as a member of a security threat group.

We have determined that an alleged improper classification does come under the purview of G.L. c.258. Therefore, on behalf of the Secretary of Public Safety, your claim is denied. Thank you for your attention to this matter.

Sincerely,

Anne Marie Ferreira
Staff Attorney